

I. Introduction and New Hampshire Background

On November 6, 1998, the Common Carrier Bureau (CCB) of the Federal Communications Commission (FCC) issued Public Notice DA98-2265 seeking comment on the North American Numbering Council Report (NANC Report) Concerning Telephone Number Pooling And Other Optimization Measures. On the same date, NANPA sent to the New Hampshire Public Utilities Commission (NHPUC) a document which officially declared New Hampshire's 603 area code to be in "extraordinary jeopardy." The State of New Hampshire has approximately 800,000 access lines and 200,000 wireless subscribers among a population of about 1.2 million whereas there are approximately 7.7 million telephone numbers in the 603 numbering plan area (NPA) code.

On December 14, 1998, NHPUC submitted its *Petition for Reconsideration* responsive to the FCC's September 28, 1998 Memorandum Opinion and Order addressing area code issues before the Pennsylvania Public Utility Commission.¹ In our *Petition for Reconsideration*, the NHPUC requested that the FCC: (1) remove the condition in Paragraph 24 that requires a state commission to decide upon a specific form of area code relief before it is allowed to impose central office code (NXX) conservation measures; (2) authorize state commissions to implement NXX conservation measures that do not interfere with the FCC's guidelines for traditional area code relief; and, (3) clarify the authority state commissions have to order return of NXXs.

¹ See Memorandum Opinion and Order on Reconsideration, dated September 28, 1998, *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717* (NSD File No. L-97-42), *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996* (CC Docket No. 96-98).

This confluence of events heightens our concerns about this critical telecommunications public policy issue. The NHPUC therefore respectfully submits the following comments on this Public Notice in order to offer our initial assessment of potential short term and long term solutions to those problems.

First and foremost, the NHPUC believes that time is of the essence. The need for individual states, including New Hampshire, to be able to move forward quickly and invoke any and all reasonable and prudent number conservation and optimization measures is obvious. If conservation measures are not quickly implemented, New Hampshire will face the irrational and harmful prospect of adding a new area code, with the associated costs to customers, in the face of a number-to-lines ratio of 8 to 1. Thus, any delays in decisionmaking in order to ferret out minutiae will come at a significant, though difficult to quantify, cost.

Second, as a general policy matter, the NHPUC supports the notion that more choice among competing number conservation options is better than less choice, as it gives states the maximum flexibility to implement those options that are best suited to the individual, perhaps even unique, conditions in that state. Therefore, we urge the FCC to adopt as many of the NANC's recommended options as the FCC finds viable. Having said this, we duly recognize the FCC's need to ensure a certain level of consistency of numbering across the entire geographic area served by the North American Numbering Plan (NANP).

II. Comments

Following review of the NANC Report, the NHPUC makes the following general recommendations, which are discussed in more detail in the paragraphs which follow:

- (1) that, as soon as possible, the FCC order the use of Thousand Number Block Pooling (TNP), as defined in Section 5 of the NANC Report;
- (2) that the FCC adopt Individual Telephone Number Pooling (ITN), as delineated in Section 4 of the NANC Report, as the long term solution and move forward to order service providers to become LNP-capable as soon as practicable; and,
- (3) that the FCC require revision of Industry Assignment (CO Code) Guidelines, particularly those addressing fill rate and inventory level requirements and reclamation of unused codes and thousand number blocks.

We also comment briefly on the other issues for which the FCC sought comment: Unassigned Number Porting (UNP), Expanded Local Calling Areas (ELCA), and Mandatory 10-digit dialing. In addition to those areas, we address questions relating to the role of NANPA, code sharing and transparent routing number assignment, the lack of useful cost data, and potential issues relating to public safety.

A. TNP

Of the fourteen options defined by NANC, the NHPUC believes that the most important short-term relief option targeted for comment is Thousand Number Block Pooling (TNP). As stated in the Executive Summary to the NANC Report, "Based on the work of the NRO-WG to date, as documented in this report, thousands block pooling is the only number

pooling alternative that potentially meets the FCC's December 1999 date for deployment of number pooling in LNP areas in accordance with a consistent nationwide plan." Given this statement, and the need for timely policy implementation, this alternative, above all others, urgently requires affirmative action by the FCC, including, but not limited to, ordering vendors to implement needed hardware and software changes in a timely fashion.² This solution dovetails with what we perceive to be the long-term solution to the numbering resources problem in the United States: Individual Telephone Number Pooling or ITN, as spelled out in Section 4 of the NANC Report.

B. ITN

While Thousand Number Block Pooling may mitigate the numbering problem in the short term, a long-term solution to the numbering problem needs to be identified. We concur generally with the view of the Colorado Public Utilities Commission that having a long term solution in place will enable the FCC to focus its efforts upon those short-term solutions which best fit with the long run solution chosen, but point out that maximum short-term flexibility is required for addressing imminent number exhaust situations. Though certain technological and other obstacles may exist at present, the long run solution is to move to Individual Telephone Number Pooling (ITN). ITN will fully utilize our numbering resources by assigning every assignable number in an NXX code before another NXX code is put into use. Thus, from a pure efficiency standpoint in terms of number utilization, ITN is

² The Executive Summary notes, "Some components of the pooling timelines require regulatory guidance. It should be noted that these implementation timeframes [for thousands block pooling] are dependent upon the availability of the required hardware/software changes from vendors." NANC Report Executive Summary, at 2.

unassailable as a solution to the numbering resource dilemma.

C. UNP

The NHPUC is intrigued by the possibilities afforded by Unassigned Number Porting (UNP) as an interim (i.e., jeopardy-avoiding) solution and believes that it may warrant further inquiry and approval as another temporary tool in the numbering conservation arsenal. However, UNP should be endorsed only as an additional measure and not in place of TNP and ITN. The NHPUC has a concern that the costs may be too high relative to the short term benefits produced and that it would be difficult to find a neutral third party to govern sharing between providers.

D. CO Code Assignment Guidelines

The NHPUC generally supports the Comments of the Colorado PUC with respect to code assignment guidelines, but recognizes that such efforts, though necessary and useful, may not be implemented in time to resolve short term number exhaust issues in New Hampshire. The NHPUC believes that revision of the guidelines governing reclamation of unused codes should be a priority, as well revision of those guidelines addressing fill rates and inventory level requirements. Also, to the extent that number utilization audits and penalties can provide the correct incentives for service providers to implement LNP on a shorter timeline, such measures should be made effective without delay, with the caveat that they be applied in a competitively-neutral manner.

E. ELCA

Although the NHPUC has not fully analyzed the details necessary to implement Extended Local Calling Areas (ELCAs) between wireline providers in NH, we believe this

option may have merit. In order to provide statewide coverage in NH today, a CLEC needs 32 NXXs or, under the current system, 320,000 telephone numbers. With ELCA, certain CLECs, such as those who primarily provide service to Internet Service Providers (ISPs), would be able to provide comparable service by using only one NXX rather than 32. States should be allowed to consider ELCA among the available number conservation measures.

F. Mandatory 10-Digit Dialing

The NHPUC considered mandatory 10-digit dialing in protracted hearings in 1993 and chose instead to implement 7-digit dialing for all in-state toll calls.³ New Hampshire consumers, then and now, have a strong preference for avoiding mandatory 10-digit dialing. Where, as here, alternative conservation measures are available, imposing the inconvenience of mandatory 10-digit dialing should be a last resort.

G. The role of NANPA

The FCC has encouraged commenting parties to address, "what entity or entities should be assigned the responsibility of requesting number usage data from carriers and other code holders and whether the NANPA or some other entity should perform forecast analyses on such data." At the NHPUC, we have already begun an informal state survey of NXX code utilization, including a request to code holders and potential code holders (to the extent they are known) to provide a limited forecast of anticipated demand for new NXX codes through the year 2001.

More extensive efforts need to be undertaken at the national level. This important

³ DE 93-003, Order No. 20,938 Investigation into *New England Telephone's Long Distance Dialing Plan for New Hampshire*, 78 NHPUC 446 (1993).

information gathering and forecasting function should be assigned to an unbiased entity capable of efficient, accurate performance. State-specific information should then be shared fully with state commissions.

As presently constituted, NANPA relies on reaching industry consensus. Experience suggests it is usually difficult, if not impossible, to achieve such consensus because of the competing interests of the stakeholders involved in the process. Given this fact, the FCC should take whatever immediate steps are within its authority to accelerate the decisionmaking process at NANPA, either by implementing measures which redefine how NANPA operates or through any other measures which, collectively, lead to the desired information flow and policy implementation efficiency gains. Again, at the risk of emphasizing this point unnecessarily, there is an urgent need to make decisions soon enough to avoid absurd results.

Clearly, at a basic level, the role of NANPA in this process needs to be re-examined. The NHPUC is interested in learning more about the merits of the proposals put forth by the Colorado PUC regarding fundamental changes to the way in which NANPA operates.

H. Cost data and other information gaps

The recalcitrance of industry participants to release relevant cost data concerning implementation costs for Local Number Portability (LNP) and other number optimization measures should not be allowed to delay the process of implementing conservation measures. There are ways to protect the proprietary nature of the data provided and yet still reveal the underlying cost constraints required to bring about full LNP. Carriers and other relevant parties should not be allowed to hide behind the "proprietary" veil and thus thwart efforts to meet public needs in the most efficient manner possible. The bottom line is simply that the

implementation costs of each of the fourteen options examined in the NANC Report need to be better understood and there needs to be a reasonable process in place to reach an *accurate* determination of these costs.

I. Other

Though the FCC has not sought comment on code sharing and transparent routing number assignment at this time, the NHPUC believes these options deserve attention as stop-gap measures having significant potential either to forestall the need for the introduction of a new area code or else to mask its introduction from an end user perspective. Transparent routing, in particular, has the additional benefit of allowing for an overlay of a new area code, on a temporary basis, that is transparent (unknown) to the end user. This would allow states to move forward with implementation of other number conservation measures which could ultimately allow the transparent NPA to be returned to NANPA for redistribution. In the meantime, consumers and businesses are not faced with the clearly avoidable costs associated with a non-transparent area code change. The NHPUC views these solutions as having merit as interim tools with the understanding that, like the other measures discussed in the NANC Report, the implementation costs associated with these options require further elucidation.

One final area which merits attention is the issue of public safety. Here, the NHPUC applauds the effort of the Colorado Public Utilities Commission to focus attention on this important subject.

III. Conclusion

As stated previously, the NHPUC believes that timeliness regarding area code policy implementation is of paramount importance and urges quick action by the Commission. The

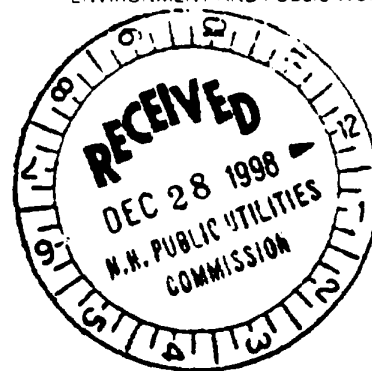
NHPUC also urges the FCC to order the implementation of as many alternative measures as are viable, while focusing its attention on those options that will provide immediate relief to states facing imminent area code exhaust due to inefficient allocation of numbering resources.

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SELECT COMMITTEE ON
ETHICS
COMMITTEE ON ARMED SERVICES
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS

December 15, 1998



Douglas L. Patch
Chairman, Public Utilities Commission
State of New Hampshire
8 Suncook Lane
Concord, New Hampshire 03301-1201

Dear Douglas:

Thank you for writing to convey your concerns about a recent Federal Communications Commission decision you and your colleagues believe will hamper efforts to conserve telephone numbers. I welcome the opportunity to respond.

I share your view that New Hampshire and other states should not face unnecessary Federal barriers to enacting sensible conservation measures and I appreciate your thoughtful offer to keep my office apprised of future developments in this area. Please do keep me apprised of the status of the efforts -- described in your letter -- to craft a "consensual solution" addressing the current impasse. You may wish to direct future communications to Noah Silverman in my Washington, DC office or Mark Aldrich in my Manchester office.

Meanwhile, pursuant to your request, I have contacted the FCC's Commissioners and asked them to review the concerns you raised. It is my hope that such a review will be one step in the process of arriving at a solution that is acceptable to all interested parties.

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Again, thanks for taking the time to contact me. I am pleased to hear your views and to respond. Should you have additional concerns, please do not hesitate to let me know.

With best wishes for the holidays and the New Year, I am

Sincerely yours,

A handwritten signature in cursive script that reads "Bob Smith". The signature is written in dark ink and is positioned above the typed name.

Bob Smith, U.S.S.

RCS\nls

Congress of the United States
House of Representatives
Washington, DC 20515-2901

January 4, 1999

Ms. Magalie Roman Salas, Director
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, D.C. 20554

Dear Ms. Salas:

We are writing to express our concern regarding the recent news that New Hampshire's 603 area code is now in jeopardy and the implications this may have for both residential consumers and businesses in the state. We are also writing to urge the Federal Communications Commission (FCC) to act favorably upon the recent recommendations made to the FCC by the New Hampshire Public Utilities Commission (NHPUC) and other state commissions relating to number conservation issues.

The NHPUC has recently filed a petition for reconsideration of the FCC's September 28, 1998 Opinion in which it requests that the FCC take the following actions: (1) remove the condition in Paragraph 24 of the September 28 Order that requires a state commission to decide upon a specific form of area code relief before it is allowed to impose central office code (NXX) conservation measures; (2) authorize state commissions to implement NXX conservation measures that do not interfere with the FCC's guidelines for traditional area code relief; and (3) clarify the authority state commissions have to order return of NXXs in order to make allocated but unutilized numbers available for redistribution.

The NHPUC believes it is critical for the FCC to avoid "tying the hands" of state commissions seeking to implement area code relief policies with the potential to have a serious impact on the date at which an area code may reach exhaustion. The request of the NHPUC is made, in part, to provide adequate justification for the FCC to take actions to avert that outcome. While the NHPUC recognizes the need for national uniformity with regard to numbering issues, we believe that need should not in any way compromise the equally compelling need to allow state commissions to implement policies that can ameliorate or otherwise stave off the need for a new area code.

New Hampshire has approximately one million access lines and wireless subscribers. Since each area code provides approximately 7.7 million numbers for distribution to the various telecommunications providers in the state, it is difficult to believe that New Hampshire could be facing imminent number exhaust in the 603 area code. According to the NHPUC, the process of

Ms. Magalie Roman Salas, Director
Federal Communications Commission
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assigning numbers in blocks of 10,000, many of which may remain unused, deserves most of the blame for the number exhaust, and states such as New Hampshire need to be granted sufficient authority to take appropriate action.

We support the New Hampshire Public Utilities Commission's request as outlined in its December 14 Petition for Reconsideration for FCC approval to act to counter the exhaust of numbers in New Hampshire's 603 area code and ask that you give it your immediate and serious consideration.

Sincerely,



Bob Smith
United States Senator



John E. Sununu
Member of Congress